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sonable care to discover such persons, whether trespassers or licensees, and seek to avoid injury to them.

5. INSTRUCTIONS—*Must be given when law correctly stated—Care required of infant.* An instruction which correctly states the law and is applicable to the evidence should be given by the trial court, and for a failure to do so its judgment will be reversed. In the case at bar it was error to refuse to instruct the jury, at the request of the plaintiff, as to the degree of care required of an infant ten years of age.

6. RAILROADS—*Trespassers—Contributory negligence.* If a trespasser on a railroad track is injured by an engine of the company at a point where it is the duty of the servants of the company to keep a lookout for all persons, whether trespassers or licensees, he is entitled to recover for the injury, although guilty of contributory negligence, if the servants of the company in charge of the engine did not do all they could consistently with their own safety to avoid the injury after his danger was known, or might have been discovered by the exercise of ordinary care in keeping a lookout for persons at that point.

7. EXCEPTIONS—*Particularity required—Reading authorities to jury.* An exception because the trial court refused to permit counsel to read authorities to the jury, including decisions of the Supreme Court of Appeals of Virginia, will be overruled where the exception fails to show clearly and specifically what cases and what extracts from text books were offered, so that this court may see what, if any, prejudice resulted therefrom.

WASHINGTON SOUTHERN RAILWAY COMPANY v. LACEY.—Decided at
Richmond, March 25, 1897.—Buchanan, J:

1. EVIDENCE—*Introduction of—Exception must be specific.* Where evidence is offered, a portion of which is objectionable and the other not, and the objection is general, it must be overruled. And so of two or more ordinances, one of which is objectionable. The objection must point out specifically the objectionable feature.

2. RAILROADS—*Speed—City ordinance—Reasonable ordinance.* A city ordinance prohibiting locomotive steam engines from running through the city at a greater rate of speed than five miles an hour, and requiring a bell of not less than thirty pounds weight to be placed on each engine and rung during the entire time the engine is in motion within the city limits, is not an unreasonable exercise of the police power of the city for the protection of its citizens and the general public.

3. INSTRUCTIONS—*Construction of written instrument by the court.* As a general rule the construction of all written documents given in evidence belongs to the court exclusively, and it is not error to instruct a jury as to the proper construction of a city ordinance offered in evidence.

4. INSTRUCTIONS—*Act of Court—Must be construed as a whole—Harmless error.* Instructions when given, whether asked for by one or both parties, become the instructions of the court, and should be read as a whole. Defects in one instruction may be cured by a correct statement of the law in another, if when read

together the court can see that the jury could not have been misled by the defective instruction.

5. CONTRIBUTORY NEGLIGENCE—*How shown.* Contributory negligence may be made to appear from the evidence of the plaintiff alone, or the defendant alone, or both.

6. INSTRUCTIONS—*Evidence tending to support instruction.* If there be any evidence tending to prove the facts upon which an instruction is asked, and it correctly states the law applicable to such facts, the instruction should be given.

7. RAILROADS—*Negligence—Contributory negligence of plaintiff.* In the case at bar the jury was justified in finding that injury was inflicted on the plaintiff in consequence of the negligence of the servants of the railroad company in running its trains, and the company is liable for the damages resulting from such injury, unless the plaintiff was guilty of contributory negligence; and it is still liable, notwithstanding such contributory negligence, if the exercise of reasonable care upon its part would have prevented the injury after it discovered, or ought to have discovered, his danger.

8. RAILROADS—*Crossings—Duty of traveller.* It is the duty of a traveller about to cross a railroad track to use his eyes and ears to avoid danger. The track itself is a proclamation of danger. He should look in both directions from which a train could come, and listen, and if his faculties warn him of the near approach of a train he should keep off the track. It is not sufficient to look and listen at a great distance from the point of crossing, or under such circumstances that he will be unable to stop if warned of an approaching train. He must exercise care to make the act of looking and listening effective. The care must be in proportion to the known danger. If he fails to use these necessary precautions and injury ensues, he cannot recover unless the defendant company by the exercise of ordinary care and diligence might have prevented the injury after it discovered, or ought to have discovered, his peril.

SULPHUR MINES CO. OF VIRGINIA V. BOSWELL, BOWMAN & SHUMAN
AND OTHERS.—Decided at Richmond, April 1, 1897.—*Riely, J.:*

1. CHANCERY JURISDICTION — *Cloud on title—Conflicting claim of defendants—Boundary line.* Courts of equity have jurisdiction to remove clouds from the title of real estate where the party complaining has no adequate remedy at law. But the clouds which they will remove are instruments or proceedings in writing, which appear upon the records and thereby cast doubts upon the validity of the record title. A mere verbal claim, or an oral assertion of ownership of the property, or an unrecorded survey constituting no part of the chain of title, are not sufficient. Nor will a court of equity entertain a bill to compel defendants to litigate their respective claims to the property or to establish a boundary line between them where the complainant has no equity against the defendant claiming adversely to him.

2. CHANCERY PLEADING—*Dismissal of bill—Effect on cross-bill.* The dismissal of an original bill against a defendant because not a proper party, carries with it the dismissal of a cross-bill against that defendant filed by a co-defendant.